

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICARDO T. LARIOS,	:	Civil No.: 3:14-cv-1572
	:	
Plaintiff	:	(Judge Mariani)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA, <i>et al.</i> ,	:	
	:	
Defendants	:	

ORDER

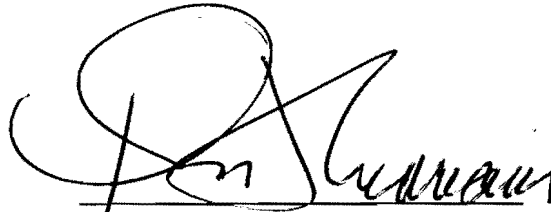
AND NOW, this 20th day of September, 2016, upon consideration of Defendants' motion (Doc. 38) to dismiss pursuant to Federal Rule of Civil Procedure 12(b) or, in the alternative, for summary judgment pursuant to Federal Rule of Civil Procedure 56, and in accordance with the Memorandum issued this date, **IT IS HEREBY ORDERED**

THAT:

1. Defendants' motion, (Doc. 38), is **GRANTED**.
2. The motion to dismiss is **GRANTED** to the extent that Plaintiff's FTCA claim, 28 U.S.C. §§ 1346(b), 2671 *et seq.* is **DISMISSED** and the amended complaint against the United States is dismissed in its entirety.
3. The motion for summary judgment is **GRANTED** with respect to Plaintiff's *Bivens* claim.
4. The Clerk of Court is directed to **ENTER** judgment in favor of Defendants Ellen Mace-Leibson, Michael Borecky, Robert Beaudouin, R. Newland, L.T. Rarick, Jeremy Simonson, David Steffan, and James Hepner, and against Plaintiff on the *Bivens* claim.
5. The amended complaint against Defendants Eva Piotrowski and John Doe

Correctional Officers is **DISMISSED** pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. See FED. R. CIV. P. 4(m).

6. The Clerk of Court is further directed to **CLOSE** this case.
7. Any appeal from this Order is deemed frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

A handwritten signature in black ink, appearing to read 'Robert D. Mariani', is written over a horizontal line.

Robert D. Mariani
United States District Judge